

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:22-cv-293-JRG
)	
SAMSUNG ELECTRONICS CO, LTD;)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS AMERICA,)	
INC.; SAMSUNG SEMICONDUCTOR)	
INC.,)	
)	
Defendants.)	

JOINT MOTION TO AMEND DOCKET CONTROL ORDER

Plaintiff Netlist, Inc. (“Netlist”) and Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Semiconductor, Inc. (collectively “Samsung”) jointly respectfully request that the Court amend the Fifth Amended Docket Control Order (Dkt. 335) to extend the following deadlines currently set for next Monday (March 4, 2024), in view of the Court’s order deconsolidating this case and re-setting the Pretrial Conference and Trial for a later date to be determined by the Court.

This amendment is sought as to the Netlist-Samsung case only (No. 2:22-cv-293), and does not seek to change any deadlines in the Netlist-Micron (No. 22-cv-294) case set for Pretrial Conference on March 6, 2024 and trial on April 22, 2024.

Current Deadline	Amended Deadline	Event
March 4, 2024	March 8, 2024	*File Responses to Motions in Limine
March 4, 2024	March 15, 2024	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations

Good cause exists in support of the parties’ motion to amend.

The above-captioned case was originally consolidated with *Netlist v. Micron*, No. 22-cv-294 (E.D. Tex.) (“*Micron II*”). Pursuant to this Court’s Fifth Amended DCO, the parties in both of the consolidated cases are directed to file responses to Motions *in Limine*, Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations by March 4, 2024. A pretrial conference for the consolidated matters was set for March 6, 2024.

On February 28, 2024, this Court entered an order de-consolidating the matters and canceled the pretrial conference set for this Case (22-cv-293), to be re-set for a later date. Dkt. 678 at 2.¹ The Court further set the pretrial conference for the *Micron II* matter to March 6, 2024. The Court also cancelled the April 22, 2024 trial date for this matter (Netlist-Samsung), to be re-set for a later date.

In light of the Court’s de-consolidation and scheduling order, there is good cause for a short extension of the foregoing Pretrial Deadlines in the Netlist-Samsung matter. The extension will enable the Court and Parties to focus resources on the *Micron II* case set for Pretrial Conference next week and the C.D. Cal. trial between Netlist and Samsung set for March 26, 2024, and will enable the Netlist-Samsung Parties to engage in further discussions to narrow the outstanding pretrial issues in the Samsung matter, including in view of any rulings the Court may issue at the *Micron II* Pretrial Conference.

No other amendment is requested at this time. A proposed order is attached.

¹ “Accordingly, it is **ORDERED** that the District Clerk **DECONSOLIDATE** the Micron case, Case No. 2:22-cv-294, from the Samsung case, Case No. 2:22-cv-293. It is further **ORDERED** that the Micron case, Case No. 2:22-cv-294, is **specially set** for trial on **April 22, 2024**, and the pretrial conference for the same is **set** for **9:00 a.m. CST on March 6, 2024**. It is further **ORDERED** that the pretrial conference and trial dates for the Samsung case, Case No. 2:22-cv-293, are cancelled to be reset at a later date.”

Dated: February 29, 2024

Respectfully submitted,

/s/ Jason G. Sheasby

Samuel F. Baxter
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
Jennifer L. Truelove
Texas State Bar No. 24012906
jtruelove@mckoolsmith.com
MCKOOL SMITH, P.C.
104 East Houston Street Suite 300
Marshall, TX 75670
Telephone: (903) 923-9000
Facsimile: (903) 923-9099

Jason G. Sheasby (*pro hac vice*)
jsheasby@irell.com
H. Annita Zhong (*pro hac vice*)
hzhong@irell.com
Andrew J. Strabone (*pro hac vice*)
astrabone@irell.com
Thomas C. Werner (*pro hac vice*)
twerner@irell.com
Yanan Zhao (*pro hac vice*)
yzhao@irell.com
Michael W. Tezyan (*pro hac vice*)
mtezyan@irell.com

IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
Tel. (310) 277-1010
Fax (310) 203-7199

Philip Warrick
New York Bar No. 4471413
pwarrick@irell.com
IRELL & MANELLA LLP
750 17th Street NW, Suite 850
Washington, DC 20006
Tel. (310) 777-6512
Fax (310) 317-7252

Attorneys for Plaintiff Netlist, Inc.

/s/ *Daniel A. Tishman*

Melissa R. Smith
State Bar No. 24001351
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257
Email: melissa@gillamsmithlaw.com

Ruffin B. Cordell
TX Bar No. 04820550
cordell@fr.com
Michael J. McKeon
D.C. Bar No. 459780
mckeon@fr.com
Lauren A. Degnan
DC Bar No. 452421
degan@fr.com
Daniel A. Tishman
DC Bar No. 1013923
tishman@fr.com
FISH & RICHARDSON P.C.
1000 Maine Avenue, S.W., Suite 1000
Washington, DC 20024
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

*Attorneys for Defendants Samsung
Electronics Co., Ltd., Samsung
Electronics America, Inc., and
Samsung Semiconductor, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, on February 29, 2024, a copy of the foregoing was served to all counsel of record via the Court's ECF/CM system.

/s/ *Yanan Zhao*

Yanan Zhao

CERTIFICATE OF CONFERENCE

I hereby certify that the parties met and conferred on the subject matter of this Motion

to Amend and all parties join this Motion.

/s/ Yanan Zhao
Yanan Zhao